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HOUSE BILL 2336

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State of Washington

57th Legislature

2002 Regular Session

By Representatives McMorris, Rockefeller, Romero and D. Schmidt; by request of Secretary of State

Read first time 01/15/2002. Referred to Committee on State Government.

1 AN ACT Relating to the administration of elections; and amending  
2 RCW 29.60.010, 29.60.030, 29.60.040, 29.60.070, 29.60.080, and  
3 29.60.090.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 29.60.010 and 1992 c 163 s 3 are each amended to read  
6 as follows:

7 (1) The Washington state election administration and certification  
8 board is established and has the responsibilities and authorities  
9 prescribed by this chapter. The board is composed of the following  
10 members:

11 (a) The secretary of state ((or)) and the secretary's designee;

12 (b) The state director of elections ((or)) and the director's  
13 designee;

14 (c) Four county auditors appointed by the Washington state  
15 association of county auditors or their alternates who are county  
16 auditors designated by the association to serve as such alternates,  
17 each appointee and alternate to serve at the pleasure of the  
18 association;

1 (d) One member from each of the two largest political party  
2 caucuses of the house of representatives designated by and serving at  
3 the pleasure of the legislative leader of the respective caucus;

4 (e) One member from each of the two largest political party  
5 caucuses of the senate designated by and serving at the pleasure of the  
6 legislative leader of the respective caucus; and

7 (f) One representative from each major political party, as defined  
8 by RCW 29.01.090, designated by and serving at the pleasure of the  
9 chair of the party's state central committee.

10 (2) The board shall elect a chair from among its number; however,  
11 neither the secretary of state nor the state director of elections nor  
12 their designees may serve as the chair of the board. A majority of the  
13 members appointed to the board constitutes a quorum for conducting the  
14 business of the board. Chapter 42.30 RCW, the open public meetings  
15 act, and RCW 42.32.030 regarding minutes of meetings, apply to the  
16 meetings of the board.

17 (3) Members of the board shall serve without compensation. The  
18 secretary of state shall reimburse members of the board, other than  
19 those who are members of the legislature, for travel expenses in  
20 accordance with RCW 43.03.050 and 43.03.060. Members of the board who  
21 are members of the legislature shall be reimbursed as provided in  
22 chapter 44.04 RCW.

23 **Sec. 2.** RCW 29.60.030 and 2001 c 41 s 11 are each amended to read  
24 as follows:

25 The secretary of state shall:

26 (1) Establish and operate, or provide by contract, training and  
27 certification programs for state and county elections administration  
28 officials and personnel, including training on the various types of  
29 election law violations and discrimination, and training (~~(programs)~~)  
30 curriculum for political party observers and members of county  
31 canvassing boards which conform to the rules for such programs  
32 established under RCW 29.60.020;

33 (2) Administer tests for state and county officials and personnel  
34 who have received such training and issue certificates to those who  
35 have successfully completed the training and passed such tests;

36 (3) Maintain a record of those individuals who have received such  
37 training and certificates; and

1 (4) Provide the staffing and support services required by the board  
2 created under RCW 29.60.010.

3 **Sec. 3.** RCW 29.60.040 and 1992 c 163 s 6 are each amended to read  
4 as follows:

5 A person having responsibility for the administration or conduct of  
6 elections, other than precinct election officers, shall, within  
7 eighteen months of undertaking those responsibilities or within  
8 eighteen months of July 1, 1993, whichever is later, receive general  
9 training regarding the conduct of elections and specific training  
10 regarding their responsibilities and duties as prescribed by this title  
11 or by rules adopted by the secretary of state under this title.  
12 Included among those persons for whom such training is mandatory are  
13 the following:

- 14 (1) Secretary of state elections division personnel;
- 15 (2) County elections administrators under RCW 36.22.220;
- 16 (3) County canvassing board members; and
- 17 (4) ~~((Persons officially designated by each major political party~~  
18 ~~as elections observers; and~~
- 19 ~~(5))~~ Any other person or group charged with election  
20 administration responsibilities if the person or group is designated by  
21 rule adopted by the secretary of state as requiring the training.

22 ~~((The secretary of state shall reimburse election observers in~~  
23 ~~accordance with RCW 43.03.050 and 43.03.060 for travel expenses~~  
24 ~~incurred to receive training required under subsection (4) of this~~  
25 ~~section.))~~

26 Neither this section nor RCW 29.60.030 may be construed as  
27 requiring an elected official to receive training or a certificate of  
28 training as a condition for seeking or holding elective office or as a  
29 condition for carrying out constitutional duties.

30 **Sec. 4.** RCW 29.60.070 and 1997 c 284 s 1 are each amended to read  
31 as follows:

32 (1)(a) The election review staff of the office of the secretary of  
33 state shall conduct a review of election-related policies, procedures,  
34 and practices in an affected county or counties:

35 (i) If the unofficial returns of a primary or general election for  
36 a position in the state legislature indicate that a mandatory recount  
37 is likely for that position; or

1 (ii) If unofficial returns indicate a mandatory recount is likely  
2 in a statewide election or an election for federal office.

3 Reviews conducted under (ii) of this subsection shall be performed  
4 in as many selected counties as time and staffing permit. Reviews  
5 conducted as a result of mandatory recounts shall be performed between  
6 the time the unofficial returns are complete and the time the recount  
7 is to take place, if possible.

8 (b) In addition to conducting reviews under (a) of this subsection,  
9 the election review staff shall also conduct such a review in a county  
10 (~~(periodically,)~~) at least once every five years in conjunction with a  
11 county primary or special or general election, at the direction of the  
12 secretary of state or at the request of the county auditor. If any  
13 resident of this state believes that an aspect of a primary or election  
14 has been conducted inappropriately in a county, the resident may file  
15 a complaint with the secretary of state. The secretary shall consider  
16 such complaints in scheduling periodic reviews under this section.

17 (c) Before an election review is conducted in a county, the  
18 secretary of state shall provide the county auditor of the affected  
19 county and the chair of the state central committee of each major  
20 political party with notice that the review is to be conducted. When  
21 a periodic review is to be conducted in a county at the direction of  
22 the secretary of state under (b) of this subsection, the secretary  
23 shall provide the affected county auditor not less than thirty days'  
24 notice.

25 (2) Reviews shall be conducted in conformance with rules adopted  
26 under RCW 29.60.020. In performing a review in a county under this  
27 chapter, the election review staff shall evaluate the policies and  
28 procedures established for conducting the primary or election in the  
29 county and the practices of those conducting it. As part of the  
30 review, the election review staff shall issue to the county auditor and  
31 the members of the county canvassing board a report of its findings and  
32 recommendations regarding such policies, procedures, and practices. A  
33 review conducted under this chapter shall not include any evaluation,  
34 finding, or recommendation regarding the validity of the outcome of a  
35 primary or election or the validity of any canvass of returns nor does  
36 the election review staff have any jurisdiction to make such an  
37 evaluation, finding, or recommendation under this title.

38 (3) The county auditor of the county in which a review is conducted  
39 under this section or a member of the canvassing board of the county

1 may appeal the findings or recommendations of the election review staff  
2 regarding the review by filing an appeal with the board created under  
3 RCW 29.60.010.

4 **Sec. 5.** RCW 29.60.080 and 1992 c 163 s 10 are each amended to read  
5 as follows:

6 The county auditor may designate any person who has been certified  
7 under this chapter, other than the auditor, to participate in a review  
8 conducted in the county under this chapter. Each county auditor and  
9 canvassing board shall cooperate fully during an election review by  
10 making available to the reviewing staff any material requested by the  
11 staff. The reviewing staff shall have full access to ballot pages,  
12 absentee voting materials, any other election material normally kept in  
13 a secure environment after the election, and other requested material.  
14 If ballots are reviewed by the staff, they shall be reviewed in the  
15 presence of the canvassing board or its designees. Ballots shall not  
16 leave the custody of the canvassing board. During the review and after  
17 its completion, the review staff may make appropriate recommendations  
18 to the county auditor or canvassing board, or both, to bring the county  
19 into compliance with ~~((the training required under this chapter, and))~~  
20 the laws ~~((or))~~ and administrative rules of the state of Washington, to  
21 safeguard election material, or to preserve the integrity of the  
22 elections process.

23 **Sec. 6.** RCW 29.60.090 and 1992 c 163 s 11 are each amended to read  
24 as follows:

25 The secretary of state shall establish within the elections  
26 division an election assistance and clearinghouse program, which shall  
27 provide regular communication between the secretary of state~~((r))~~ and  
28 local election officials, ~~((and major and minor political parties))~~  
29 regarding newly enacted elections legislation, relevant judicial  
30 decisions affecting the administration of elections, and applicable  
31 attorney general opinions, and which shall respond to inquiries ~~((from~~  
32 ~~elections administrators, political parties, and others))~~ regarding  
33 election information. This section does not empower the secretary of  
34 state to offer legal advice or opinions, but the secretary may discuss

1 the construction or interpretation of election law, case law, or legal  
2 opinions from the attorney general or other competent legal authority.

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